

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC., COMEDY )  
PARTNERS, COUNTRY MUSIC )  
TELEVISION, INC., PARAMOUNT )  
PICTURES CORPORATION, and BLACK )  
ENTERTAINMENT TELEVISION LLC, )  
                                       )  
                                       Plaintiffs, )  
                                       )  
                                       vs.                         ) Case No. 1:07CV02103  
                                       )  
YOUTUBE, INC., YOUTUBE, LLC, )  
and GOOGLE, INC., )  
                                       )  
                                       Defendants. )  
                                       )  
-----  
THE FOOTBALL ASSOCIATION PREMIER )  
LEAGUE LIMITED, BOURNE CO., et al., )  
on behalf of themselves and all )  
others similarly situated, )  
                                       )  
                                       Plaintiffs, )  
                                       )  
                                       vs. ) Case No. 07CV3582  
                                       )  
YOUTUBE, INC., YOUTUBE, LLC, and )  
GOOGLE, INC., )  
                                       )  
                                       Defendants. )  
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DEPOSITION OF ALEX ELLERSON  
NEW YORK, NEW YORK  
Friday, May 22, 2009

JOB NO: 16902

DAVID FELDMAN WORLDWIDE, INC.  
805 Third Avenue, New York, New York 10022 (212) 705-8585

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May 22, 2009

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9:28 a.m.

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VIDEOTAPED DEPOSITION OF ALEX

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ELLERSON, held at the offices of Proskauer  
9 Rose, LLP, 1585 Broadway, New York,  
10 New York, pursuant to notice, before Erica  
11 L. Ruggieri, Registered Professional  
12 Reporter and Notary Public of the State of  
13 New York.

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DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022 (212) 705-8585

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2                   A P P E A R A N C E S  
3                   FOR THE VIACOM PLAINTIFFS:

4                   JENNER & BLOCK, LLP  
5                   BY: SUSAN KOHLMANN, ESQ.  
6                   919 Third Avenue, 37th floor  
7                   New York, New York 10017-2024  
8                   (212) 355-9500  
9                   Skohlmann@jenner.com

10

11                  FOR THE CLASS PLAINTIFFS IN THE PREMIER  
12                  LEAGUE ACTION:

13

14                  PROSKAUER ROSE, LLP  
15                  BY: NOAH SISKIND GITTERMAN, ESQ.  
16                  1585 Broadway  
17                  New York, New York 10036-8299  
18                  (212) 969-3727  
19                  Ngitterman@proskauer.com

20

21                  FOR THE DEFENDANTS YOUTUBE, INC., YOUTUBE,  
22                  LLC and GOOGLE, INC.:

23

24                  MAYER BROWN, LLP  
25                  BY: BRIAN WILLEN, ESQ.  
26                  1675 Broadway  
27                  New York, New York 10016  
28                  (212) 506-2146  
29                  Bwillen@mayerbrown.com

30

31                  FOR THE WITNESS:

32                  PERKINS COIE BROWN & BAIN  
33                  BY: TIMOTHY J. FRANKS, ESQ.  
34                  2901 N. Central Avenue  
35                  Phoenix, Arizona 85012  
36                  (602) 351-8390  
37                  Tfranks@perkinscoie.com

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39                  ALSO PRESENT:  
40                  CARLOS KING, Videographer

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2                   IT IS HEREBY STIPULATED AND  
3                   AGREED, by and between counsel for the  
4                   respective parties hereto, that the  
5                   filing, sealing and certification of  
6                   the within deposition shall be and the  
7                   same are hereby waived;

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9                   IT IS FURTHER STIPULATED AND  
10                  AGREED that all objections, except as  
11                  to the form of the question, shall be  
12                  reserved to the time of the trial;

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14                  IT IS FURTHER STIPULATED AND  
15                  AGREED that the within deposition may  
16                  be signed before any Notary Public  
17                  with the same forceand effect as if  
18                  signed and sworn to before the Court.

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2 THE VIDEOGRAPHER: Alex  
3 Ellerson, in the matter of Viacom  
4 International, Inc. and the Football  
5 Association Premier League versus  
6 YouTube, Inc. et al., in the United  
7 States District Court, for the  
8 Southern District of New York.

This deposition is being held at  
1585 Broadway, New York, New York, on  
May 22, 2009 at approximately  
9:20 a.m.

19 Will counsel please introduce  
20 themselves.

21 MR. GITTERMAN: Noah Gitterman,  
22 on behalf of the class plaintiffs in  
23 the Premier League action, from the  
24 Proskauder Rose firm.

25 MS. KOHLMANN: Susan Kohlmann,

1                   A. ELLERSON

2                   from Jenner & Block, on behalf of the  
3                   Viacom plaintiffs.

4                   MR. WILLEN: Brian Willen, from  
09:21:08        5 Mayer Brown, on behalf of Google and  
6                   YouTube.

7                   MR. FRANKS: Tim Franks, from  
8                   Perkins Coie Brown & Bain, on behalf  
9                   of the witness.

09:21:15        10                  THE VIDEOGRAPHER: Will the  
11                  court reporter please swear in the  
12                  witness.

13                  A L E X    E L L E R S O N , called as a  
14                  witness, having been duly sworn by a  
15                  Notary Public, was examined and  
16                  testified as follows:

17                  EXAMINATION BY

18                  MR. GITTERMAN:

19                  Q.        Mr. Ellerson, good morning.

09:21:31        20                  A.        Good morning.

21                  Q.        Have you ever been deposed  
22                  before?

23                  A.        I have not.

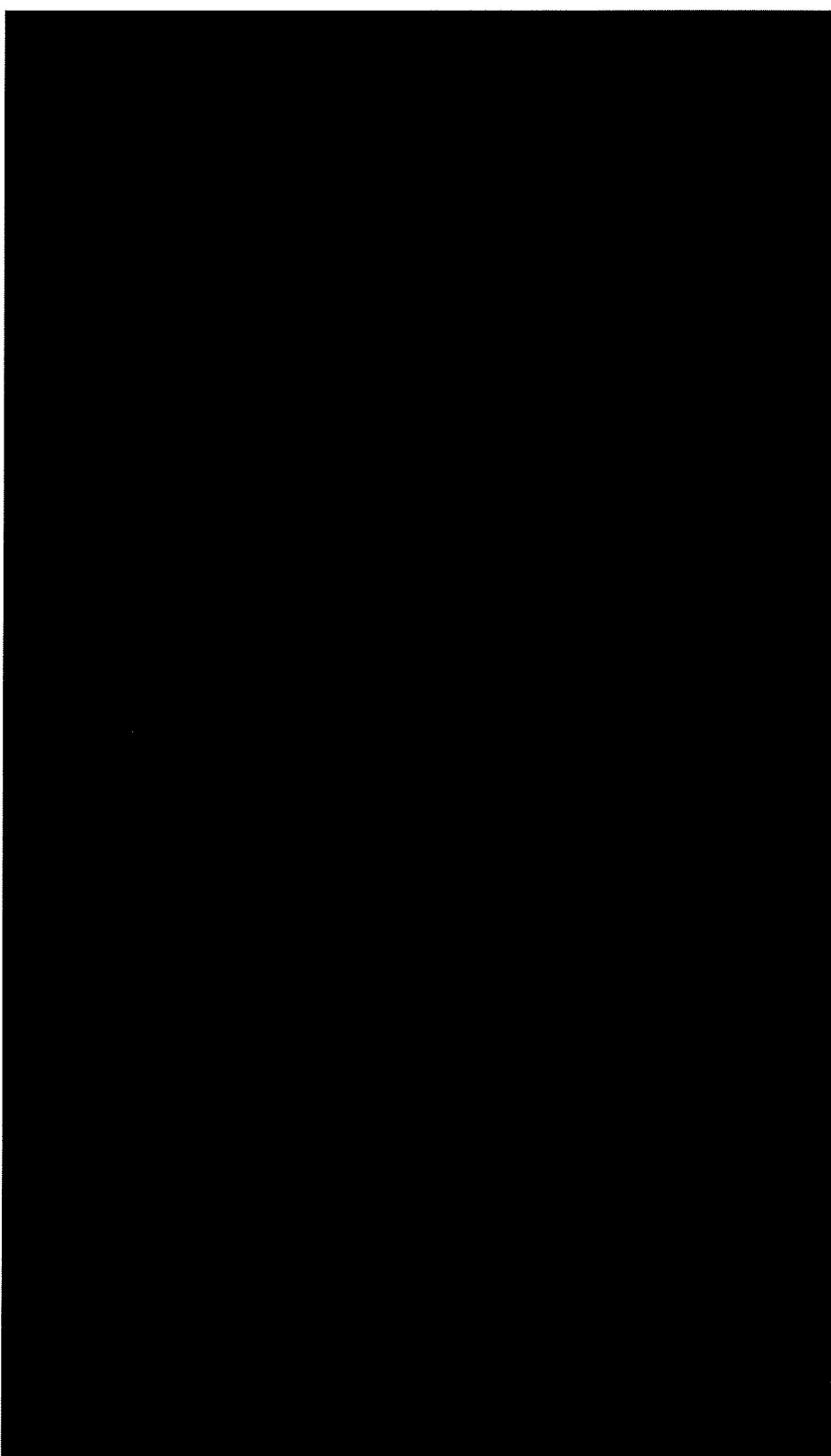
24                  Q.        Have you ever taken a deposition  
09:21:36        25                  before?

DAVID FELDMAN WORLDWIDE, INC.

805 Third Avenue, New York, New York 10022 (212) 705-8585

A. ELLERSON

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805 Third Avenue, New York, New York 10022 (212) 705-8585

A. ELLERSON

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DAVID FELDMAN WORLDWIDE, INC.

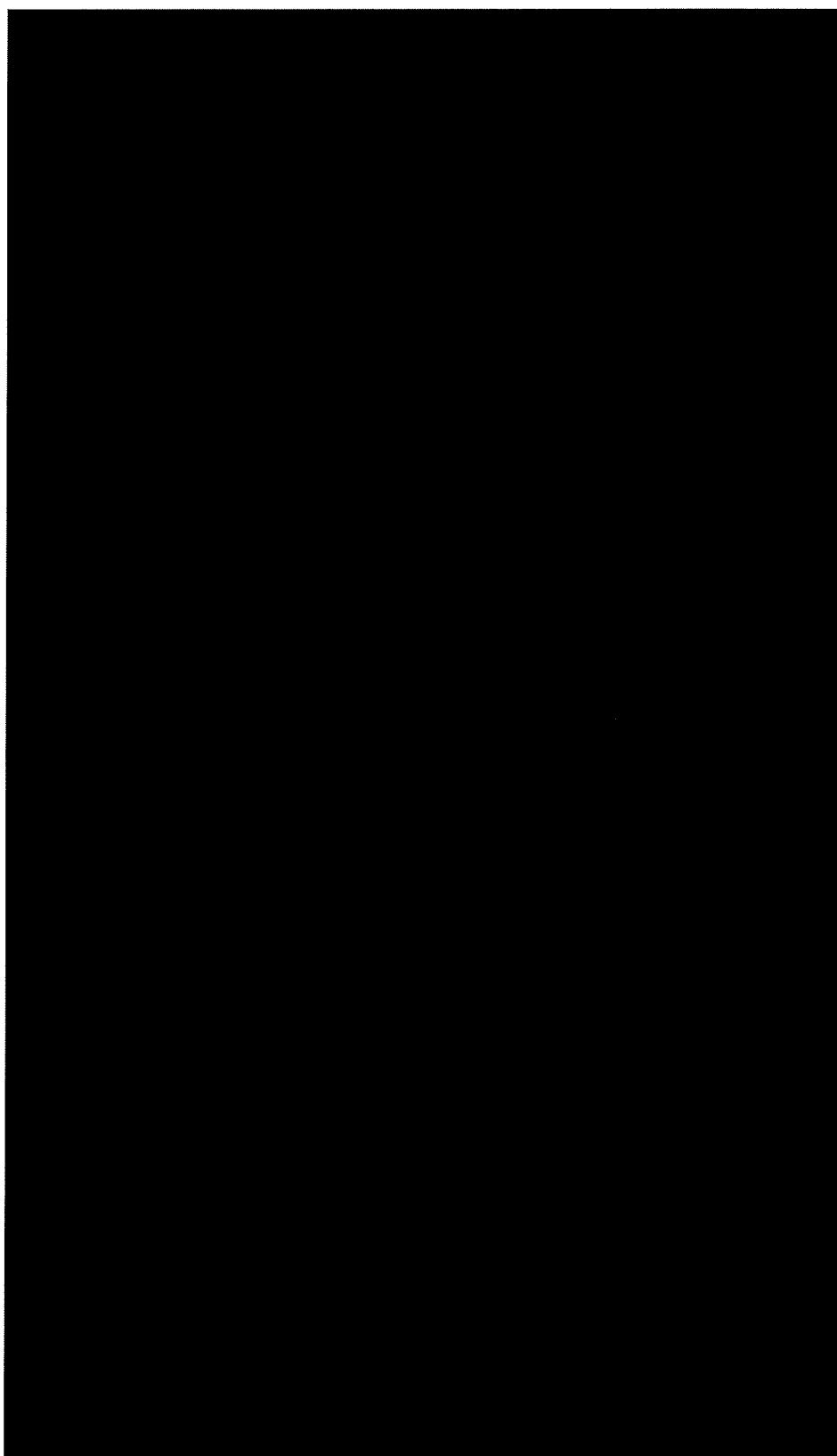
805 Third Avenue, New York, New York 10022 (212) 705-8585

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A. ELLERSON

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